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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

ROCKY BIXBY, et al,

Plaintiffs,

vs.

KBR INC., et al.,

Defendants.

No. 3:09-cv-632-PK

DECLARATION OF JEFFREY S. EDEN IN
SUPPORT OF KBR'S RESPONSE TO
PLAINTIFFS' RENEWED ATTEMPT TO
ESTABLISH A FOUNDATION FOR THEIR
CSP-RELATED EXHIBITS AND
ARGUMENTS

I, Jeffrey S. Eden, do hereby declare and say the following:

1. I am over the age of twenty-one (21) years, am competent to testify to the matters stated herein, have personal knowledge of the facts and statements in this declaration, and each of the facts and statements is true and correct.

2. I am an attorney in the law firm of Schwabe, Williamson & Wyatt. I am licensed to practice law in the state of Oregon and admitted before this Court. I am the local counsel of record for the KBR Defendants in the above-referenced litigation.

3. Attached as Exhibit 1 (X-1) to this Declaration is a true and correct copy of excerpts from the Pretrial Hearing of September 18, 2012.

4. Attached as Exhibit 2 (X-2) to this Declaration is a true and correct copy of excerpts from the deposition of Kuo Y. Tseng dated February 3, 2011.

5. Attached as Exhibit 3 (X-3) to this Declaration is a true and correct copy of excerpts from the deposition of Robert Reeves dated August 17, 2012.

I HEREBY DECLARE THAT THE ABOVE STATEMENTS ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND THEY ARE MADE FOR USE AS EVIDENCE IN COURT AND ARE SUBJECT TO PENALTY FOR PERJURY.

Dated this 5th day of October, 2012.

/s/ Jeffrey S. Eden

Jeffrey S. Eden

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1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF OREGON

3 ROCKY BIXBY, et al.,)

4 Plaintiffs,)

5 vs.)

6 KBR, Inc., et al.,)

7 Defendant.)

Case No. 3:09-cv-632-PK

September 18, 2012

Portland, Oregon

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13
14 Pretrial Hearing

15 TRANSCRIPT OF PROCEEDINGS

16 BEFORE THE HONORABLE PAUL PAPAK

17 UNITED STATES DISTRICT COURT MAGISTRATE JUDGE
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20
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23
24
25

1 THE COURT: Well, I think you presume the
2 conclusion perhaps the plaintiffs presumed at the outset
3 that there's relevance. If there is a link, if the
4 plaintiffs establish a link that somebody knew and had in
5 their possession, saw, read, should have known because they
6 were opening these documents, there seems to be an
7 inference -- not a powerfully strong one -- that someone
8 would know that a large volume of chemicals was used, one of
9 which was sodium dichromate, and that could have influenced
10 KBR's decision.

11 Absent that link, absent some foundational showing
12 of that link, the document doesn't come in, and its
13 relevance isn't established for consideration by the jury in
14 the abstract. If there is some document out there -- and so
15 what I'm saying to the plaintiffs is I'm not going to grant
16 this motion, but the contingency support plan and the
17 inferences that you drew from it to information about sodium
18 dichromate will only be for the jury if an adequate
19 foundation as to its linkage to KBR's knowledge is drawn.
20 Absent that, it won't come in, or if it comes in
21 inadvertently, there will be an instruction that makes it
22 clear to the jury that this was not an appropriate thing for
23 them to consider. So I'm going to deny it with that
24 explanation.

25 *Erin Brockovich.* I'm not exactly sure about the

1

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MARK McMANAWAY, ET AL)
)
 PLAINTIFFS,)
) Civil Action No.
VS.)
) 4:10-cv-01044
KBR, INC., ET AL,)
)
 DEFENDANTS.)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ROCKY BIXBY, ET AL)
)
 PLAINTIFFS,)
)
VS.) CASE NO. 3:09-CV-632-PK
)
KBR, INC., ET AL)
)
 DEFENDANTS.)

ORAL VIDEOTAPED DEPOSITION OF

KUO Y. TSENG

FEBRUARY 3, 2011

KUO Y. TSENG - February 3, 2011

5

1 THE VIDEOGRAPHER: This is Tape 1 in the
2 videotaped deposition of Mr. Kuo Tseng. Today's date
3 is February 3rd, 2011. We're on the record. The time
4 is 9:26 a.m.

5 Will counsel please introduce themselves for
6 the jury?

7 MR. DOYLE: Mike Doyle and Gabe Hawkins
8 here for Rocky Bixby and other veterans.

9 MR. PEACOCK: Trey Peacock of Susman
10 Godfrey on behalf of the witness and KBR, along with
11 Ronald Scott from KBR.

12 KUO Y. TSENG,
13 having been first duly sworn, testified as follows:

14 EXAMINATION

15 BY MR. DOYLE:

16 Q. Tell us your name, please.

17 A. My name is K-U-O, said in Chinese, "Ko." My
18 last name is Tseng, T-S-E-N-G.

19 Q. Let me --

20 A. Kuo Tseng.

21 Q. And you work for -- for KBR?

22 A. Yes, I am.

23 Q. Did you work for KBR in 2003?

24 A. Yes.

25 Q. Doing what?

KUO Y. TSENG - February 3, 2011

6

1 A. I was -- I was working for KBR in 2003 as a
2 project engineer assigned to Iraq from March of the
3 year to help KBR to complete the RIO Project, R-I-O
4 Project.

5 Q. And by "RIO," Restore Iraqi Oil Project?

6 A. Yes.

7 Q. This was work on the oil infrastructure of
8 Iraq?

9 A. The assignment I took was to assist the
10 company to restore the oil business in Iraq.

11 Q. Which meant doing work on the infrastructure,
12 the buildings, the equipment?

13 A. To do my -- to use my experience to help the
14 company to restore the oil sector in the country.

15 Q. And by the "oil sector," what are you talking
16 about?

17 A. The oil production from the oil well, the
18 refining capability in the refinery, the gas liquefied
19 process in the LPG plant, and transportation of the
20 crude through the pipeline, on and on.

21 Q. Including what water treatment facility in
22 Southern Iraq?

23 A. Including the power supply, including the
24 water treatment, including the wastewater treatment,
25 and so forth.

KUO Y. TSENG - February 3, 2011

7

1 Q. What water treatment plant in Southern Iraq
2 near Basra also?

3 A. We had no idea of the facility before we left
4 the United States.

5 Q. When you say "we," you were given zero
6 information by anyone about a facility called Qarmat
7 Ali before you left the United States?

8 A. That's true.

9 Q. Who was giving you information? What level of
10 management?

11 A. I was hired by the company back in February of
12 1980. And as a designing engineer, in '92 they pulled
13 me out of the discipline and assigned me as the project
14 management, engineering project management, and then my
15 job title was project engineer at the time. So I took
16 the assignment as a project engineer.

17 Q. 2003, who was giving you information, what
18 managers, about what you were to do?

19 A. We did not know that until we settled in
20 Kuwait where the team of the -- KBR was assembled at
21 the time, because Iraq at that time was -- was -- was
22 still in the war zone. So the team, we stay in one of
23 the hotels in Kuwait, and then the headquarter at the
24 time was there.

25 Q. You spent time getting ready to testify today

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MARK McMANAWAY, ET AL.,)	
)	
PLAINTIFFS,)	
)	
VS.)	CASE NO. 4:10-cv-01044
)	
KBR, INC., ET AL.,)	
)	
DEFENDANTS.)	

ORAL AND VIDEOTAPED DEPOSITION OF
ROBERT A. REEVES
AUGUST 17, 2012
VOLUME 2

ORAL AND VIDEOTAPED DEPOSITION OF ROBERT A. REEVES,
Volume 2, produced as a witness at the instance of the
PLAINTIFFS, and duly sworn, was taken in the
above-styled and numbered cause on the 17th of August,
2012, from 1:38 p.m. to 3:20 p.m., before Jeffrey M.
Steele, CSR in and for the State of Texas, reported by
machine shorthand, at the offices of Susman Godfrey, 901
Main Street, Suite 5100, City of Dallas, County of
Dallas, State of Texas, pursuant to the Federal Rules of
Civil Procedure.

ROBERT A. REEVES - VOLUME 2 - August 17, 2012

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1 Rio was issued March 2003 the team reassembled?

2 A. Yes. Not -- not exactly that team, but I'm
3 sure a lot of the people who were on it were brought
4 back and then supplemented by other people as necessary.

5 Q. The particular assessment, contingent plan,
6 including assessing the Iraq infrastructure?

7 A. Uh-huh.

8 Q. Yes?

9 A. Yes.

10 Q. Including Qarmat Ali?

11 A. Yes.

12 Q. In fact, there was a specific section of this
13 plan dealing with the water injection plants?

14 A. Yes.

15 Q. You were aware of that when you gave your
16 testimony last time, weren't you?

17 A. Yes.

18 Q. Did you indicate that this plan didn't -- the
19 last time you testified, didn't have any indication it
20 had to do with the oil project?

21 A. I'm sorry, could you say that question again.

22 Q. Did you indicate when you testified last time
23 under oath that this particular assessment --

24 A. Which particular assessment now?

25 Q. The one you were involved in prewar, the one

ROBERT A. REEVES - VOLUME 2 - August 17, 2012

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1 that you were the program manager.

2 A. Okay.

3 Q. Did not include any effort to assess
4 Qarmat Ali?

5 A. No, that's not what I said. What I said was I
6 was not very familiar with any of the great details on
7 Qarmat Ali at that time.

8 Q. Did you look at your deposition before today?

9 A. No.

10 Q. Did you review it?

11 A. No.

12 Q. You absolutely, positively remember what you
13 testified under oath, 2011, in this case?

14 A. Yeah, because I thought at that time what could
15 have been misconstrued on the answer.

16 Q. When you -- what do you mean it could have been
17 misconstrued?

18 A. To mean I -- we didn't have anything to do with
19 Qarmat Ali, but that's not the case. All I was saying
20 was I was not intimately familiar with it, but we did
21 have it in the plan.

22 Q. In fact, there was a very specific tab in this
23 plan dealing with Qarmat Ali?

24 A. Yes.

25 Q. A very detailed plan for labor and equipments

ROBERT A. REEVES - VOLUME 2 - August 17, 2012

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1 Q. Correct?

2 A. Yes. Yes.

3 Q. All right. Was there any restriction on
4 looking for publicly available documents during this
5 assessment?

6 A. Yes.

7 Q. What was that?

8 A. We were restricted to use the information given
9 to us by the -- by the government to develop the plan,
10 and we were not allowed to go outside for other
11 information.

12 Q. When you say, we weren't allowed to go to other
13 information, weren't allowed to go, for example, to
14 textbooks that engineers had available?

15 A. The textbooks would be okay.

16 Q. Well, what else is okay? If textbooks are
17 available, what other --

18 A. That's -- that's it.

19 Q. This particular plan, contingency plan, was it
20 continued to be referred to once the actual work on the
21 ground began?

22 A. I'm not sure I follow your question.

23 Q. You charged the government \$10 million for this
24 assessment, right?

25 A. I'm not sure if \$10 million is right. I think

ROBERT A. REEVES - VOLUME 2 - August 17, 2012

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1 A. Yes.

2 Q. That was professionals in safety at KBR,
3 including at least one you remember, Dennis Bagnocche,
4 actually going through all the documents, all the
5 information available, making sure they identified
6 potential safety hazards, that was what they were
7 getting paid to do, wasn't it?

8 MR. HARRISON: Objection to the form of the
9 question.

10 A. They would have done a safety review, so I -- I
11 can't say the details, I'm not quite sure what you're --
12 what they did.

13 Q. (BY MR. DOYLE) Well, when you say you're not
14 quite sure, part of what they were supposed to do,
15 because this was an assessment of the work that was
16 going to be done on the ground once the war started, was
17 identify hazards that might be anticipated?

18 A. Burning oil wells, oil well spills, things like
19 that.

20 Q. Chemicals?

21 A. Sure.

22 Q. Any doubt that absolutely, positively from the
23 prewar assessment knew that there were likely going to
24 be chemicals involved in the Iraqi oil infrastructure?

25 A. Is there any doubt there would be? No, there

ROBERT A. REEVES - VOLUME 2 - August 17, 2012

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1 would be no doubt.

2 Q. In fact, was it also well known to KBR that
3 this was environmentally degraded infrastructure, not
4 very good industrial hygiene?

5 A. We knew that the Iraqi facilities were not
6 getting the best of care during -- during operation.

7 Q. Well, you knew that standard industrial hygiene
8 practices were not something you anticipated the Iraqis
9 had been doing for decades --

10 A. Uh-huh.

11 Q. -- true?

12 A. Yes.

13 Q. So it wasn't something unanticipated. In fact,
14 you knew from the assessment, you knew from doing this
15 prewar work that not following industrial hygiene, not
16 following accepted Western safety handling was something
17 that you anticipated from the prewar assessment?

18 A. Yes.

19 Q. You knew that it was likely that chemicals that
20 were present were not going to necessarily be contained,
21 safe, like you might anticipate in a Texas plant?

22 A. Yes.

23 Q. You knew that it was likely that whatever
24 chemicals were being used might be sitting in a
25 potentially contaminated area, that wasn't something

ROBERT A. REEVES - VOLUME 2 - August 17, 2012

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1 that would be a surprise, that was something you
2 confirmed from the assessment?

3 A. Right.

4 Q. Likewise, it was clear that once on the ground
5 there would be -- it would be necessary to look at these
6 degraded decades of poor industrial hygiene by
7 professionals, true?

8 A. Yes.

9 Q. In fact, that was what KBR knew it had to do as
10 part of the work, use its professional expertise to look
11 at these, evaluate just how bad these environmentally
12 degraded, poor chemical handling, poor infrastructure
13 Iraqi facilities were?

14 A. Yes.

15 Q. So it certainly wouldn't be a surprise, in
16 fact, already knew before you ever got out there from
17 the prewar assessment, that Qarmat Ali, like all these
18 other facilities, was likely to have chemicals that were
19 maintained poorly, poor industrial hygiene, site
20 contamination, poorly maintained?

21 MR. HARRISON: Objection to the form of the
22 question.

23 A. Could you repeat it again please?

24 Q. (BY MR. DOYLE) Yes, sir. In fact, it wasn't a
25 surprise, it was already known from the assessment from

ROBERT A. REEVES - VOLUME 2 - August 17, 2012

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1 Qarmat Ali, like the other portions of the Iraqi oil
2 infrastructure, expected what kind of environmental
3 conditions?

4 A. I don't know you could say environmental, so
5 much as we -- we expected the equipment to be in
6 relatively poor conditions, and if you want to take an
7 extension of that, you know, that would mean it would be
8 a maybe not environmentally as good as it could be.

9 Q. Well, potential hazards --

10 A. Uh-huh.

11 Q. -- right?

12 A. Yeah.

13 Q. I mean that was something that KBR knew from
14 before the war from their assessment --

15 A. Okay.

16 Q. -- true?

17 A. Uh-huh, yes.

18 Q. Is that correct?

19 And so it certainly would not be a surprise
20 if chemicals onsite were un-contained, not where they
21 were supposed to be, not fully sealed off because that's
22 what an environmentally degraded site is, isn't it?

23 A. Okay.

24 Q. Is that correct?

25 A. Yes.

ROBERT A. REEVES - VOLUME 2 - August 17, 2012

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1 *significant document and time was of the -- of the*
2 *essence to get it done.*

3 *Q. The particular engineering teams, do you*
4 *remember any human beings on those?*

5 *A. On the engineering teams?*

6 *Q. Yes, sir.*

7 *A. Hoosh, I know Rick Badgett was, like, the head*
8 *of -- head of it. Good lord, I'm afraid I can't bring*
9 *forth too many memories on what the names of the people*
10 *were.*

11 *Q. So you've indicated Ralph Stephenson, Ray*
12 *Badgett, any other human beings?*

13 *A. I'm trying to remember but I can't.*

14 *Q. You'd have to look at the organizational chart?*

15 *A. Yes.*

16 *Q. The particular -- you have in front of you*
17 *what's been marked as Plaintiff Exhibit 27, have you*
18 *seen that document before?*

19 *A. Yes.*

20 *Q. Tell us what it is.*

21 *A. It's a Ministry of Oil listing of equipment for*
22 *all the various portions of -- of the facilities.*

23 *Q. Basically would it be fair to describe it as*
24 *the Iraqi shopping list during the food for oil program?*

25 *A. As the shopping list?*

ROBERT A. REEVES - VOLUME 2 - August 17, 2012

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1 under the United Nations, it would probably a listing of
2 the oil produced during that program.

3 Q. Got it. So actually you don't even know what
4 this document, you know, we're looking at, oil exports,
5 you don't even know what that document is?

6 A. No, I don't.

7 Q. Okay. So you can't say it's not this other
8 document or it's this document because you've never seen
9 it?

10 A. But I'm telling you what it says, it says, oil
11 exports, which would mean to me, it says how much oil is
12 being exported from Iraq in that program.

13 Q. Do you know what portions of the UN documents
14 were actually review by KBR, did you ever look at them
15 all?

16 A. No.

17 Q. So as far as what UN --

18 A. We -- we did not look at it because it was not
19 part of the information given to us by the -- by the
20 client.

21 MR. DOYLE: Let me finish my question. Not
22 responsive.

23 Q. (BY MR. DOYLE) Did you actually look at all
24 the UN documents that were reviewed by the KBR
25 engineers?

ROBERT A. REEVES - VOLUME 2 - August 17, 2012

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1 A. Did I actually look at it?

2 Q. Yes, sir.

3 A. No.

4 Q. So if we want to say, Mr. Reeves, this was a
5 document that was part of what KBR looked at and this
6 wasn't, the answer would be you know or don't know?

7 A. I know that we would not use any information
8 not given it to us by the client because that was part
9 of our statement of work, and -- and so we wouldn't go
10 out looking for -- for more information like that
11 because the information given to us by them was stated
12 that it was the latest and most accurate information, so
13 we wouldn't be going out looking for other stuff because
14 we wouldn't know whether it was accurate or inaccurate.

15 MR. DOYLE: Nonresponsive.

16 Q. (BY MR. DOYLE) I want to focus on what you can
17 tell us under oath. The UN materials available on the
18 Iraqi oil infrastructure, whatever was reviewed or not
19 reviewed by engineers during this prewar assessment,
20 you, program manager, can't tell us what documents are
21 in that whole category because you never --

22 A. Yes, I can. I can tell you they used the
23 United Nations Expert Report because I remember that.
24 And this one says above that we got a listing of the oil
25 exports from the United -- from the United -- under the

ROBERT A. REEVES - VOLUME 2 - August 17, 2012

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1 United Nations Oil-for-Food Programme, and that says,
2 oil exports, and that's -- what that says to me is that
3 says how much oil was being produced in that timeframe,
4 so we knew how much oil was coming out and what we had
5 to try and get back to.

6 MR. DOYLE: Nonresponsive.

7 Q. (BY MR. DOYLE) Very specific. If I ask you,
8 Mr. Reeves, what oil exports under the United States
9 Oil-for -- program actually looked like, the documents,
10 how many pages, what was in it, you never saw it
11 personally?

12 A. Not the oil exports, no.

13 Q. Okay. You never saw the United Nations Expert
14 Report, did you?

15 A. Yes, that was -- that was things that we had
16 seen as it came in.

17 Q. Did you see it?

18 A. Yes.

19 Q. Okay. What did it include?

20 A. It included a listing of, as best they could,
21 the situation of the state of the oil facilities or oil
22 infrastructure.

23 Q. Did it include materials that were needed in
24 the infrastructure?

25 A. No.

ROBERT A. REEVES - VOLUME 2 - August 17, 2012

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1 we -- we knew three pumps were running there and one
2 pump wasn't; that's probably where that came from.

3 Q. Okay. Was it -- this particular UN Expert
4 Report, was it something available on-line?

5 A. I don't know.

6 Q. But what was -- what was in the documents and
7 what was not in this thing called the UN, United Nations
8 Expert Report, are you able to detail for us every page?

9 A. No.

10 Q. Are you able to tell us, for example, whether
11 something was part of it or not?

12 A. Not -- not now I couldn't, no, not --

13 Q. All right. So for example, can you under oath
14 say, because you don't know exactly what was part of
15 that today, whether or not this document we see as
16 Plaintiffs' Exhibit 27 was part of it or not?

17 A. Not.

18 Q. And the reason you say, not, is you remember it
19 page-by-page?

20 A. Because this is Ministry of Oil and it's --
21 it's a listing from the oil companies of what they need,
22 has nothing to do with the United Nations.

23 Q. Do you know this listing of what the Iraqi oil
24 companies needed, whether it was given to the UN or not?

25 A. No, I don't know that.

ROBERT A. REEVES - VOLUME 2 - August 17, 2012

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1 wouldn't -- wouldn't have seen it.

2 Q. You wouldn't know?

3 A. No.

4 Q. So it's absolutely crystal clear; you're not
5 saying, I, Robert Reeves, under oath know for a fact
6 KBR, none of their employees, none of the folks in this
7 professional assessment, looked or didn't look, reviewed
8 or didn't review this listing of what the Iraqis had
9 been ordering for chemicals for years?

10 A. I would say it's highly improbable they didn't
11 because it just -- I don't think it was part of the UN
12 documents that we had.

13 MR. DOYLE: Nonresponsive.

14 Q. (BY MR. DOYLE) Is the bottom-line truthful
15 answer, you, Robert Reeves, can't verify, don't know
16 whether this UN listing of documents, materials ordered
17 by the Iraqis for years was actually reviewed by a KBR
18 engineer or not?

19 MR. HARRISON: Objection to the form of the
20 question; it has been asked and answered, he has told
21 you.

22 If you have some new information or
23 something to link this in some way please provide it,
24 but that question's been asked and answered.

25 MR. DOYLE: No, it hasn't, and please don't

ROBERT A. REEVES - VOLUME 2 - August 17, 2012

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1 Q. Was there somebody that indicated in any way
2 from KBR, whatever you do don't look at UN reports?

3 A. And that question --

4 Q. Yes, sir. I'll --

5 A. -- is confusing.

6 Q. -- rephrase it. The particular evaluation that
7 was done, did it cease January 31st, 2003 when the
8 report was given to the U.S. Army?

9 A. Yes, the project was shut down until
10 Project Rio started up.

11 Q. But there was still a team at KBR?

12 A. A limited team.

13 Q. And the limited team's job was to do what?

14 A. Basically keep the task force opened, waiting
15 for -- for the order to proceed.

16 Q. Is it in any way a big shock to you that the
17 Iraqis used 4,000 tons of chemicals over a year basis at
18 Qarmat Ali?

19 A. I'm not a order expert so I would say yes it is
20 a big shock to me. I don't know one way or the other.

21 Q. But clearly anybody at KBR is going to know
22 they used chemicals?

23 A. Sure.

24 Q. And during this month long assessment by KBR
25 managers, employees of Qarmat Ali that you don't know,

ROBERT A. REEVES - VOLUME 2 - August 17, 2012

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1 *promised, I told you if you just be quiet for 30*
2 *seconds, you didn't be quiet for 30 seconds, you didn't,*
3 *you could not do it, it was impossible. I don't have*
4 *any more questions, but it's amazing that when you say*
5 *you're going to be quiet for 30 seconds you can't do it.*

6 MR. SCOTT: *The only thing he said -- well,*
7 *never -- that's --*

8 THE VIDEOGRAPHER: *Are we off the record?*

9 Q. (BY MR. DOYLE) *Actually we don't have an*
10 *updated address for you, what's your current address?*

11 A. *Same address you had before.*

12 MR. DOYLE: *Thank you, sir.*

13 THE VIDEOGRAPHER: *We are off the record,*
14 *the time is 2:59 p.m.*

15 *(Off the record.)*

16 THE VIDEOGRAPHER: *This is the beginning of*
17 *tape two. We are back on the record, the time is*
18 *3:17 p.m.*

19 EXAMINATION

20 BY MR. HARRISON

21 Q. *May I ask you just a few questions about the*
22 *Contingency Support Plan that KBR prepared for the U.S.*
23 *government back in late 2002, early 2003?*

24 A. *Yes.*

25 Q. *Do the words sodium dichromate appear anywhere*

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1 in the 2000-plus page Contingency Support Plan?

2 MR. DOYLE: Leading, form.

3 A. To the best of my knowledge, no.

4 Q. (BY MR. HARRISON) Do the words sodium
5 dichromate relating to Qarmat Ali or any other Iraqi oil
6 infrastructure facility appear anywhere in the
7 Contingency Support Plan?

8 A. To the best of my knowledge, no.

9 MR. DOYLE: Mr. Reeves, just a moment
10 pause; I don't want to talk over you.

11 Form; leading. Go ahead.

12 Q. (BY MR. HARRISON) From where did KBR receive
13 the information it used to come up with the Contingency
14 Support Plan?

15 A. From our client, the U.S. government.

16 Q. Okay. Was KBR allowed to do research beyond
17 the information provided by the U.S. government?

18 A. No.

19 MR. DOYLE: Leading, form.

20 Q. (BY MR. HARRISON) Why not?

21 A. Because it was a classified --

22 MR. DOYLE: Form.

23 A. -- project and doing research outside of the
24 information given to us would be breaching that
25 classification, and it also, the information given to us

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1 to the best of our knowledge was the latest information
2 that the government had on the situation and the
3 infrastructure.

4 Q. (BY MR. HARRISON) Who told you that? Is that
5 from the government?

6 A. Yes.

7 MR. DOYLE: Leading, form.

8 Q. (BY MR. HARRISON) Who told you that?

9 A. I believe it's in the statement of work.

10 Q. Provided by the?

11 A. U.S. government.

12 MR. DOYLE: Leading.

13 Q. (BY MR. HARRISON) Did the Plaintiff lawyer in
14 his questioning of you show you any document or evidence
15 indicating that KBR knew anything about sodium
16 dichromate at Qarmat Ali during the contingency planning
17 work?

18 A. No --

19 MR. DOYLE: Leading, form.

20 A. -- he didn't.

21 Q. (BY MR. HARRISON) Did he have the opportunity
22 to do that?

23 MR. DOYLE: Leading, form.

24 A. Yes.

25 Q. (BY MR. HARRISON) Have you read the

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1 *Plaintiffs' legal papers on the subject of the*
2 *Contingency Support Plan and sodium dichromate?*

3 *A. Yes.*

4 *Q. Did the Plaintiffs in their legal papers have*
5 *any indication of sodium dichromate being known to KBR?*

6 *MR. DOYLE: Leading, form.*

7 *A. No.*

8 *Q. (BY MR. HARRISON) Do you know whether the*
9 *organizational chart listing team members involved in*
10 *the Contingency Support Plan still exists at KBR?*

11 *A. No, I don't know if it's exist or it had been*
12 *destroyed or -- just destroyed I guess.*

13 *MR. HARRISON: No further questions. Thank*
14 *you.*

15 *THE VIDEOGRAPHER: We are off the record,*
16 *the time is 3:20 p.m.*

17 *THE REPORTER: For the record, counsel have*
18 *stipulated that custody of the Original Transcript of*
19 *the Oral Deposition of Robert A. Reeves, and exhibits*
20 *marked, if any, will be maintained by Mr. Michael*
21 *P. Doyle, Counsel for Plaintiff.*

22 *This concludes the deposition at 3:20 p.m.*

23 *(The Deposition was concluded at 3:20 p.m.)*
24
25